

14403. Adulteration and misbranding of canned salmon. U. S. v. J. Lowery Harrison (Kent Packing Co.), Meyer L. Kanner, and Harry Hershenstein. Pleas of guilty. J. Lowery Harrison fined \$50 and costs and Meyer L. Kanner and Harry Hershenstein each fined \$100 and costs. (F. D. C. No. 24255. Sample Nos. 66771-H, 66773-H, 66774-H.)

INFORMATION FILED: August 24, 1948, District of Maryland, against J. Lowery Harrison, trading as the Kent Packing Co., Rock Hall, Md., and Meyer L. Kanner and Harry Hershenstein, New York, N. Y.

ALLEGED SHIPMENT: On or about July 19 and August 2, 1947, from the State of Maryland into the State of New York.

LABEL, IN PART: "Jo-Mey Pink [or "Red"] Salmon Food Marketers Distributors New York, N. Y."

NATURE OF CHARGE: Section 402 (b) (2), species of salmon other than pink salmon had been substituted for pink salmon in one of the shipments, and a species of salmon other than red salmon had been substituted for red salmon in the second shipment; and, Section 402 (a) (3), the product in the third shipment consisted in part of a decomposed substance by reason of the presence of decomposed salmon.

Misbranding, Section 403 (a), the statements "Pink Salmon" and "Red Salmon" on the labels of the product in two of the shipments were false and misleading.

DISPOSITION: December 3, 1948. J. Lowery Harrison entered a plea of guilty and was fined \$50 and costs. Meyer L. Kanner entered a plea of guilty and was fined \$100 and costs. Harry Hershenstein entered a plea of guilty to all counts, with the exception of count 3 charging the shipment in interstate commerce of decomposed salmon; count 3 was nolle prossed and he was fined \$100 and costs.

14404. Adulteration and misbranding of canned sardines. U. S. v. 845 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 25163, 25164, 25560, 26024, 26031. Sample Nos. 4899-K, 4908-K, 5580-K, 8909-K, 9855-K, 10944-K.)

LIBELS FILED: August 5, September 7, and November 9 and 12, 1948, Eastern and Southern Districts of New York, District of Massachusetts, and District of Connecticut; amended libel filed August 16, 1948, in the Eastern District of New York.

ALLEGED SHIPMENT: On or about April 8, 19, 26, and 30, 1948, from San Francisco and Alameda, Calif., by the Romeo Packing Co.

PRODUCT: Canned sardines. 845 cases at Brooklyn, N. Y.; 588 cases at New York, N. Y.; 34 cases at Boston, Mass., and 147 cans at Brockton, Mass.; and 12 cases at Waterbury, Conn. Each case contained 48 15-ounce cans.

LABEL, IN PART: "Valco California Sardines In Tomato Sauce" or "Allied Brand California Sardines In Tomato Sauce * * * Packed for Allied Produce Company, San Francisco, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Brooklyn and the New York lots of the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed herring, and the other lots of the product were unfit for food by reason of a disagreeable metallic taste; and, Section 402 (b) (2), herring in a thin, watery packing medium